

CITY COUNCIL, CITY OF LODI  
CITY HALL COUNCIL CHAMBERS  
FEBRUARY 19, 1975

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m. on Wednesday, February 19, 1975, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen - EHRHARDT, HUGHES,  
KATNICH, SCHAFFER  
and PINKERTON(Mayor)

Absent: Councilmen - None

Also Present: Assistant City Manager Glenn,  
City Attorney Mullen, Planning Director  
Schroeder, and Public Works Director Ronsko

INVOCATION

The invocation was given by Councilman  
Ehrhardt.

PLEDGE

Mayor Pinkerton led the Pledge of Allegiance  
to the flag.

MINUTES

Councilman Schaffer moved the minutes of  
February 5, 1975 be approved as written and  
mailed. The motion was seconded by Council-  
man Ehrhardt and carried.

PROCLAMATIONS

2-27

Mayor Pinkerton took the following action:

- a. Proclaimed February 23, 1975 as "Rotary  
Day".

CAMELLIA FESTIVAL  
PRESENTATION

2-27

Following a presentation by Mr. G. Wayne  
O'Brien in which he outlined the activities  
for this year's Camellia Festival to be held  
February 28 - March 9, 1975, Royal Court  
Hostess Vera Linn introduced the Camellia  
Festival Royal Court; which presented camellia  
plants to the Mayor, Council, staff and members  
of the press. Following the presentation of the  
camellia plants, Mr. O'Brien extended an invi-  
tation to the Community to attend this year's  
festival.

PLANNING COMMISSION

2-25

The Assistant City Manager gave the following  
report of the Planning Commission meeting of  
February 10, 1975:

EASEMENT VACATION  
LOT 43, WILLOW GLEN  
SUBDV., UNIT NO. 1

- 1. Recommended the approval of the request  
to vacate an easement located on Lot 43, Willow  
Glen Subdivision, Unit No. 1 (1620 Edgewood  
Drive).

Minutes of February 19, 1975, continued

After reviewing submittals from the Pacific Telephone Company, Pacific Gas and Electric, Lodi Cable T.V. and the City's Utility Department, the Planning Commission determined that no public need existed for the easement.

#### ACTIONS OF INTEREST

11-35

Other actions of interest were as follows:

1. Denied the appeal of Mr. Ross L. Sargent, Attorney at Law, of the Planning Director's decision to issue a Negative Declaration for certain improvements to the manufacturing plant of Lodi Fab Industries at 1030 Sacramento Street.

2. Conducted the annual review of Planned Development District No. 3 (P-D(3)) located on the north side of East Turner Road between U. S. 50-99 Freeway and the Southern Pacific Railroad right-of-way and proposed for (1) a 275-unit mobilehome park; (2) 100-unit travel trailer park and (3) limited highway-oriented commercial uses and determined that the zoning should remain for another year.

3. Conducted the annual review of Planned Development District No. 4 (P-D(4)) located at the northwest corner of Harney Lane and South Hutchins Street and which encompasses the area of the English Oaks Manor Subdivision and determined that the zoning should remain for another year.

4. Conducted the annual review of Planned Development District No. 5 (P-D(5)) located on the north side of West Turner Road at North Church Street and which encompasses the area of the Rivergate-Mokelumne Subdivision and determined that the zoning should remain for another year.

#### COMMUNICATIONS

##### CLAIM

20-4101

A claim for damages filed on behalf of Ramon Flores, Jr., Jesse Nava, Albert Ornelas, Jr. and Sam Loya was presented by the City Clerk. The amount of the claim being computed as to each claimant is as follows:

- (1) X-Rays, amount unascertained
- (2) General Damages: \$7,500.00
- (3) As to Claimant Sam Loya, loss of earnings from Harris Pine Mills, amount unascertained.

On motion of Councilman Ehrhardt, Schaffer second, the claim was rejected and referred to the City's Agent of Record.

Minutes of February 19, 1975, continued

PUC NOTICES OF  
HEARINGS

22-72)

The City Clerk presented the following Public Utilities Commission Notices of Hearing:

1) Notice of Hearing on Public Utilities Commission Application No. 55344 for revised rates, charges, and rate structures for intrastate voice grade private line telephone service, Pacific Telephone and Telegraph Co. This is a supplemental notice only to the 12/3/74 notice previously presented to the Council.

2) Notice of Hearing before the Public Utilities Commission of the State of California (Application Nos. 55468, 55469, 55470) - Application of Pacific Gas and Electric Co. for authority to revise its gas service tariff to offset the effect of increases in the price of gas from California Sources, from El Paso Natural Gas Co., and from Pacific Gas Transmission Co. This hearing has been set for March 3, 1975 at 10:00 a.m.

ABC LICENSE

22-72)

The City Clerk presented an application for Alcoholic Beverage License which had been received for Victoria Ramirez, Isle of Capri, 117 N. Sacramento Street, Lodi, California. This is a person to person transfer, dropping partner Yolanda L. Barocio.

Councilman Hughes spoke on the subject of a recent Labor Relations Conference that had been attended by some of the Councilmen and staff.

CITY ATTORNEY  
INSTRUCTED TO  
RESEARCH QUESTION

22-72)

Following introduction of the matter by Councilman Hughes, Mayor Pinkerton related to the Council that pending legislation in Sacramento seeks to grant public employee unions rights and powers over-riding and abridging the power and authority of locally elected city councils, school boards, and county supervisors. Mayor Pinkerton stated that it is imperative that the City of Lodi take the lead in instituting a legal action which would enjoin any State legislator who has received more than a composite total of \$1,000 in cash or in kind from any public employee association, committee, or union from participating in or voting on any legislation which would grant benefits, rights or powers not subject to the discretion and authority of locally elected officials, and stated that it would be appropriate that the City of Lodi invite all affected public entities to join Lodi in this landmark action.

Mayor Pinkerton moved that the City Council instruct the City Attorney to research the question of instituting a legal action which would enjoin any state legislator who has received more than a composite total of \$1,000 in cash or in kind from any public employee association, committee, or union from participating in or voting on any legislation which would grant benefits, rights or powers not subject to the discretion and authority of locally elected officials; and for

Minutes of February 19, 1975, continued

the City Attorney to draw up language and be prepared to submit his findings to the Council at its next regularly scheduled meeting on March 5, 1975. The motion was seconded by Councilman Hughes and carried.

RECREATION  
COMMISSION  
APPOINTMENTS

Mayor Pinkerton proposed the following appointments to the Recreation Commission and asked the Council's concurrence:

Recreation Commission (4 year terms to expire December 31, 1978)

Mr. Elmer Brown

Mr. David J. Reese

Dr. Dennis Swanson

On motion of Councilman Ehrhardt, Katnich second, the Council concurred with the appointments to the Recreation Commission as proposed by Mayor Pinkerton.

INTRODUCTION OF  
ADMINISTRATIVE  
AIDES FOR C.M.  
OFFICE

Assistant City Manager Glenn introduced Mrs. Charlene Donald and Mr. John Abernethy, recently-hired Administrative Aides for the City Manager's office.

REPORTS OF THE  
CITY MANAGER

CLAIMS

(20914)

On motion of Councilman Ehrhardt, Schaffer second, Claims were approved in the amount of \$461,763.03.

PRIORITY LIST OF  
PROJECTS ELIGIBLE  
FOR STATE PARK  
BOND FUNDS

Assistant City Manager Glenn reported to the Council that on June 4, 1974, the electorate passed Proposition 1, the State Beach, Park, Recreational, and Historical Facilities Bond Act of 1974, which among other things, provides \$90,000,000 for grants to cities, counties, and districts. The County Department of Recreational and Parks Commission has requested that the City of Lodi provide a list of three or more priority projects eligible for these funds. The Lodi Recreation Commission recommended to the Lodi City Council the following list of priority projects eligible for these funds:

1. Development Program for Lodi Lake Park
2. Renovation of Lodi Grape Bowl
3. Olympic-sized Swimming Pool at Lodi Unified School District Site.

Following discussion on the matter, on motion of Councilman Schaffer, Hughes second, the Council adopted Resolution No. 4036 concurring with the recommendation of the Lodi Recreation Commission as to the priority projects eligible for these funds.

RES. NO. 4036

22-7(f)

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CONVERSION OF LIGHTS  
AT GOLF DRIVING  
RANGE 20.45

The Assistant City Manager recommended to the Council that the Lucolux Lights at the Lodi Golf Driving Range be replaced, stating that it appears that the Lucolux Lights are not a light conducive to sports activities, because of their orange cast. This has been the source of many complaints. When the Lucolux Lights are mixed with white lights, it does increase the light intensity and does not present the objectionable orange cast. When used in this manner, the lamps can be used in other facilities.

On motion of Councilman Hughes, Schaffer second, the Council authorized the conversion of the golf range Lucolux Lights to the metal halide-type lights and approved a Special Allocation Request in the amount of \$3,200.00 to cover the cost of converting these lights.

It was also suggested by Council that the Recreation Department notify other cities throughout the State of the City's experience with Lucolux Lights. This information may result in a saving to other cities considering this type of lighting for recreational facilities.

ITEM (d) WITHDRAWN  
FROM AGENDA

Assistant City Manager Glenn asked that Item (d) "Approve plans and Specifications for Security Alterations in Public Safety Building" be withdrawn from the Agenda.

REPAIRS TO MAPLE  
SQUARE OLD FIRE-  
HOUSE 20.50

Assistant City Manager Glenn reported to Council that an estimate of repairs for the Maple Square Firehouse hose tower and other necessary structural repairs has been received from Ted Melfino in the amount of \$1800.00. Mr. Glenn stated that because of the small size of the job, it is not necessary to prepare formal specifications and advertise for bids; however, other estimates will be solicited prior to proceeding with the work following Council's authorization.

Following discussion, Council, on motion of Councilman Schaffer, Ehrhardt second, continued the matter for additional study and information to be provided by Staff.

EMERGENCY PLAN  
FOR CITY OF LODI  
ADOPTED

Assistant City Manager Glenn apprised the Council that our present Emergency Plan for the City of Lodi had been adopted in 1971. This plan is now outdated. In conjunction with the County Office of Emergency Services, and using a model plan prepared by the State, an updated Emergency Plan for the City of Lodi has been prepared. The plan takes into consideration Lodi's individual situation and provides a framework to guide City officials in responding to natural or man-made disasters. The draft of this plan has been submitted to the Office of Emergency Services and has received their approval. A draft of this plan was also presented for Council's perusal.

RES. NO. 4037

Minutes of February 19, 1975, continued

On motion of Councilman Katnich, Ehrhardt second, the Council adopted Resolution No. 4037 approving the Emergency Plan for the City of Lodi as presented.

OPTION TO PURCHASE  
TOKAY HIGH SCHOOL  
SITE 10.09 ACRES

22-43

Councilman Schaffer related to the Council that the Governing Board of the Lodi Unified School District at a meeting held by that body on February 18, 1975 agreed by motion to offer the square city block (10.09 acres) occupied by the Tokay High School to the City of Lodi for a price of \$475,000.

A letter dated February 19, 1975 addressed to Mr. Graves from Mr. Raymond Jansen, Superintendent of Lodi Unified School District, was presented to the Council. This letter set forth the following provisions to be included in the option to purchase.

1. Total purchase price to be \$475,000.00 cash to be paid upon exercise of option.
2. The district to receive 1% of the total price, or \$4,750.00, upon execution of the option agreement.
3. Construction of Tokay High must commence before January 1, 1977.
4. The school district will demolish the old building down to the first level prior to transfer to the City.
5. The school district will remove all portable buildings from the site, fill in ditches, and rough grade the site.
6. The school district will grant first right of refusal to the City for adjacent property, i.e. parking lots on the east side of Hutchins and the space occupied by portable buildings on the south side of Walnut Street. The district will probably want to retain the Ag building for future district use.
7. An option to purchase will be executed by the City within 180 days of this offer, or the school district will offer the property for sale on the open market by competitive bidding.
8. In the event that the City does not develop the property for continued community use and sells it to a non-governmental agency for real estate development, the school district will receive half of the profit.

An option agreement as prepared by City Attorney Mullen, which included the provisions outlined in the School District's letter of February 19, 1975, was presented for Council's scrutiny. Questions regarding the Option Agreement were directed by Council to the City Attorney.

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Councilman Hughes stated that he concurred in concept with the provision covering the splitting of profits received for the sale of this property by the City of Lodi at any time within 10 years after the date of the close of sale of the escrow contemplated by this Option Agreement, but added that he felt that the City should be entitled to reimbursement for interest on the out-of-pocket money for the interim period between the date of purchase of the property by the City of Lodi and in the event of sale of the property by the City within the prescribed period of time as outlined in the Option Agreement.

Discussion followed with questions being directed by Council to Staff, the City Attorney, and Mr. Suess, Vice-President of the Governing Board of the Lodi Unified School District, who was in the audience.

On motion of Councilman Schaffer, Ehrhardt second, Council accepted, in principle, the School Board's proposal to sell the 10.09 acres of the old Tokay High School Campus Site to the City of Lodi at a price of \$475,000, with proposed modifications to the Option Agreement to be made prior to February 24, 1975, the date proposed for an adjourned meeting of the City Council.

NCPA DEVELOPMENT  
FUND *22-11(a)*

Councilman Hughes reminded the Council that at the regular Council meeting of February 5, 1975, he had outlined a recommended proposal by the Northern California Power Agency, whereby a development fund would be established for various projects at an estimated cost in excess of \$6,000,000. Councilman Hughes indicated that he had presented to Council a letter from R. W. Beck and Associates, Consulting Engineers, who have more closely defined the capital needs for the three projects that have been envisioned in the program and projected a figure of about \$5,050,000. Councilman Hughes stated that he feels an additional \$250,000 should be considered for miscellaneous expenses, bringing the total to approximately \$5,300,000.

Councilman Hughes indicated that he would like to be able to relate the feelings of the Council at the N.C.P.A. meeting he will be attending shortly in Lompoc. The Council reaffirmed its expression of the February 5, 1975 Council meeting of general approval of the concept of a N.C.P.A. member Electric Power Development Fund.

TRAFFIC STUDIES *22-11(b)*

Councilman Hughes related to the Council that at a recent school meeting that he had attended, complaints were voiced regarding the intersections of Elm Street and Mills Avenue and Rutledge Drive and Yosemite Drive.

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Staff was directed to prepare for Council's perusal traffic studies on these two intersections.

# ORDINANCES

## ANNEX COMMUNITY HOSPITAL ADDN.

ORD. NO. 1047  
ADOPTED *cc - 8(a)*

ORDINANCE NO. 1047 - entitled "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY, DESIGNATED 'COMMUNITY HOSPITAL ADDITION' TO THE CITY OF LODI" having been introduced at a regular meeting on February 5, 1975, was brought up for passage on motion of Councilman Ehrhardt, Schaffer second. Second reading was omitted after reading by title, and the Ordinance was then passed, adopted, and ordered to print by the following vote:

Ayes: Councilmen - EHRHARDT, HUGHES, KATNICH, SCHAFFER and PINKERTON

Noes: Councilmen - None

Absent: Councilmen - None

## ANNEX NEUHARTH- EAST ADDN.

ORD. NO. 1048  
ADOPTED *cc - 8(a)*

ORDINANCE NO. 1048 - entitled "AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN UNINHABITED TERRITORY, DESIGNATED 'NEUHARTH-EAST ADDITION' TO THE CITY OF LODI" having been introduced at a regular meeting on February 5, 1975, was brought up for passage on motion of Councilman Katnich, Schaffer second. Second reading was omitted after reading by title, and the Ordinance was then passed, adopted and ordered to print by the following vote:

Ayes: Councilmen - EHRHARDT, HUGHES, KATNICH, SCHAFFER and PINKERTON

Noes: Councilmen - None

Absent: Councilmen - None

## GENERAL PLAN AMENDMENT 74-1 *cc - 83(a)*

ORDINANCE NO. 1049 - entitled "AN ORDINANCE AMENDING THE GENERAL PLAN OF THE CITY OF LODI, WHICH AMENDMENT IS HEREBY DESIGNATED GENERAL PLAN AMENDMENT 74-1 AND WHICH THEREBY ADDS AREA DESIGNATED C-P, COMMERCIAL-PROFESSIONAL IN THE AREAS NORTH, EAST, AND SOUTH OF LODI COMMUNITY HOSPITAL, LOCATED AT THE NORTHEAST CORNER OF LOWER SACRAMENTO ROAD AND THE FUTURE EXTENSION OF WEST VINE STREET" having been introduced at a regular meeting on February 5, 1975, was brought up for passage on motion of Councilman Ehrhardt, Katnich second. Second reading was omitted after reading by title, and the Ordinance was then passed, adopted and ordered to print by the following vote:



## Minutes of February 19, 1975, continued

Ayes: Councilmen - EHRHARDT, HUGHES,  
KATNICH, SCHAFFER and  
PINKERTON

Noes: Councilmen - None

Absent: Councilmen - None

PREZONE 16.2 ACRES  
N/E CORNER LOWER  
SACRAMENTO RD. &  
FUTURE EXTENSION OF  
W. VINE STREET

30-53(a)

ORDINANCE NO. 1050 - entitled "AN  
ORDINANCE PREZONING A 16.2 ACRE AREA AT  
THE NORTHEAST CORNER OF LOWER  
SACRAMENTO ROAD AND THE FUTURE  
EXTENSION OF WEST VINE STREET, WHICH  
INCLUDES THE COMMUNITY HOSPITAL AND  
CERTAIN ADJACENT PROPERTIES TO BE IN  
THE C-P COMMERCIAL-PROFESSIONAL  
ZONING" having been introduced at a regular  
meeting on February 5, 1975, was brought up  
for passage on motion of Councilmen Schaffer,  
Ehrhardt second. Second reading was omitted  
after reading by title, and the Ordinance was  
then passed, adopted and ordered to print by the  
following vote:

Ayes: Councilmen - EHRHARDT, HUGHES,  
KATNICH, SCHAFFER and  
PINKERTON

Noes: Councilmen - None

Absent: Councilmen - None

TRANSPORTATION  
STUDY COMMITTEE  
REPORT

30-56(a)

Councilman Ehrhardt reported to the Council  
that the City of Lodi Transportation Study  
Committee is presently working on the final  
draft of its report and recommendations to the  
City Council. Presentation of this report will  
be made to the City Council at the regular  
Council meeting of March 5, 1975.

ASST. C. A.  
NEWTON RESIGNS

30-5

On motion of Councilman Ehrhardt, Schaffer  
second, the resignation of Thomas J. Newton as  
Assistant City Attorney was accepted by the  
Council.

MEETING ADJOURNED  
TO 2/24/75

On motion of Councilman Katnich, Schaffer  
second, the meeting was adjourned at 9:35 p.m.  
by Mayor Pinkerton to February 24, 1975 at  
7:30 p.m. at Washington School Auditorium,  
835 West Lockeford Street, Lodi, California.

*Alice M. Reimche*  
Attest: ALICE M. REIMCHE  
City Clerk